
AGENCY: Division of Insurance and Grant Services

SUBJECT: Approval of Radioactive Waste Assessment for Radioactive Waste Disposal Program and Atlantic Compact Commission

The *Atlantic Interstate Low-Level Radioactive Waste Compact Implementation Act* ("the Act")(48-46-30 et seq., South Carolina Code of Laws) assigns the Budget and Control Board certain responsibilities related to radioactive waste disposal. Subsection 48-46-60(B) requires that costs associated with executing these responsibilities be reimbursed through imposition of a "surcharge per unit of waste received" at the Barnwell site. The disposal site operator is to collect and remit these fees to the Board in accordance with directions from the Board. The Board's projected budget for these activities for fiscal year 2004 is \$522,000. So that funding for reimbursement can be obtained in a timely manner, it is recommended that the disposal site operator remit to the Board within 30 days of the end of each month funds equivalent to \$25 per cubic foot of waste received for disposal, up to a maximum of \$522,000. This amount is nine percent less than last year's approved budget.

Subsection 48-46-70 (which incorporates the terms of the Atlantic Compact as state law) provides that, "The Commission shall impose a commission surcharge per unit of waste received at any regional facility. The total monies collected shall be adequate to pay the costs and expenses of the Commission and shall be remitted to the Commission on a timely basis as determined by the Commission. The surcharge may be increased or decreased as the Commission deems necessary. Subsection 48-46-60(C) further elaborates that the Atlantic Compact Commission shall advise the Board at least annually of its costs and expenses. To cover these costs, the Board "shall impose a surcharge per unit of waste received" at the Barnwell site. The Atlantic Compact Commission has advised the Board staff that its revenue needs for fiscal year 2004 are \$300,000. Assuming conservatively that the disposal facility receives 50,000 cubic feet of waste in fiscal year 2004, this would call for a Compact Administrative Surcharge of \$6 per cubic foot. Last year's Compact Administrative Surcharge was \$4 per cubic foot. These funds are transferred to the Compact Commission on a quarterly basis.

BOARD ACTION REQUESTED:

Direct the Barnwell disposal site operator to remit to the Budget and Control Board within 30 days of the end of each month \$25 per cubic foot on waste received for disposal beginning July 1, 2003, up to a total of \$522,000, and direct the Barnwell disposal site operator to assess a Compact Commission surcharge of \$6 per cubic foot of waste received for disposal and remit such funds to the Budget and Control Board within 30 days of the end of each quarter.

ATTACHMENTS:

Agenda item worksheet; Provisions of state law applicable to this agenda item

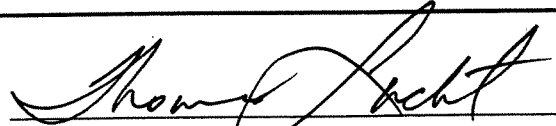
BUDGET AND CONTROL BOARD AGENDA ITEM WORKSHEET

Meeting Scheduled for: May 15, 2003

Blue Agenda

1. Submitted by:

- (a) Agency: Division of Insurance and Grant Services
- (b) Authorized Official Signature:



Thomas Lucht, Director

2. Subject: Approval of radioactive waste assessment for Radioactive Waste Disposal Program and Atlantic Compact Commission.

3. Summary Background Information:

The *Atlantic Interstate Low-Level Radioactive Waste Compact Implementation Act* ("the Act") (48-46-30 et seq., South Carolina Code of Laws) assigns the Budget and Control Board certain responsibilities related to radioactive waste disposal. Subsection 48-46-60(B) requires that costs associated with executing these responsibilities be reimbursed through imposition of a "surcharge per unit of waste received" at the Barnwell site. The disposal site operator is to collect and remit these fees to the Board in accordance with directions from the Board. The Board's projected budget for these activities for fiscal year 2004 is \$522,000. So that funding for reimbursement can be obtained in a timely manner, it is recommended that the disposal site operator remit to the Board within 30 days of the end of each month funds equivalent to \$25 per cubic foot of waste received for disposal, up to a maximum of \$522,000. This amount is nine percent less than last year's approved budget.

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4. What is Board asked to do? (1) Direct the disposal site operator to remit to the Budget and Control Board within 30 days of the end of each month \$25 per cubic foot on waste received for disposal beginning July 1, 2003, up to a total of \$522,000, and (2) Direct the disposal site operator to assess a Compact Commission surcharge of \$6 per cubic foot of waste received for disposal and remit such funds to the Budget and Control Board within 30 days of the end of each quarter.

5. What is recommendation of Board Division involved? (1) Direct the disposal site operator to remit to the Budget and Control Board within 30 days of the end of each month \$25 per cubic foot on waste received for

disposal beginning July 1, 2003, up to a total of \$522,000, and (2) Direct the disposal site operator to assess a Compact Commission surcharge of \$6 per cubic foot of waste received for disposal and remit such funds to the Budget and Control Board within 30 days of the end of each quarter.

6. Recommendation of other Division/Agency (as required)?

- (a) Authorized Signature: _____
(b) Division/Agency Name: _____
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7. List of Supporting Documents:

- a. Provisions of state law applicable to this agenda item

Documents Available But Not Attached:

**Statutory Provisions
Pertaining to Administrative Surcharges
on Radioactive Waste Disposal**

Atlantic Compact Surcharge

Public Law 99-240, Title II (incorporated into State Law pursuant to 48-46-70, South Carolina Code of Laws:

“The (Atlantic Compact) Commission shall impose a commission surcharge per unit of waste received at any regional facility. The total monies collected shall be adequate to pay the costs and expenses of the Commission and shall be remitted to the Commission on a timely basis as determined by the Commission. The surcharge may be increased or decreased as the Commission deems necessary.” (parenthetical added)

Subsection 48-46-60(C), South Carolina Code of Laws, elaborates further on the steps for assessing the Atlantic Compact Commission surcharge:

“In accordance with Article V.F.3 of the Atlantic Compact, the compact commission shall advise the board at least annually but more frequently if the compact commission deems appropriate, of the compact commission’s costs and expenses. To cover these costs the board shall impose a surcharge per unit of waste received at any regional disposal facility located within the State as determined in Section 48-46-40. A site operator shall collect and remit these fees to the board in accordance with the board’s directions, and the board shall remit those fees to the compact commission.”

State Agencies Surcharge

48-46-60(B), South Carolina Code of Laws:

“The board, the State Treasurer, and the PSC shall provide the required staff and may add additional permanent or temporary staff or contract for services, as well as provide for operating expenses, if necessary, to administer new responsibilities assigned under this chapter. In accordance with Article V.f.2. of the Atlantic Compact the compensation, costs, and expenses incurred incident to administering these responsibilities may be paid through a surcharge on waste disposed at regional disposal facilities within the State. To cover these costs the board shall impose a surcharge per unit of waste received at any regional disposal facility located within the State. A site operator shall collect and remit these fees to the board in accordance with the board's directions. All such surcharges shall be included within the disposal rates set by the board pursuant to Section 48-46-40.”